



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AF

FEB 17 2005

IN RE APPLICATION

THYES ET AL.

SERIAL NO. 09/889,383

FILED: FEBRUARY 05, 2002

FOR: A PROCESS FOR REDUCING THE CONTENT OF ETHYL 3-DIMETHYLAMINO-2-PHENYLPROPIONATE IN SOLUTIONS OF ETHYL 2-DIMETHYLAMINO-1-PHENYL-3-CYCLOHEXENE-1-CARBOXYLATE

MAIL STOP: AF

CONFIRMATION NO.: 2952

GROUP ART UNIT: 1625

EXAMINER: TAYLOR V. OH

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Alexandria, Va 22313-1450, on:

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Date of Signature

Honorable Commissioner

for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

REPLY UNDER 37 C.F.R. §1.113(c) AND §1.116

Sir:

In reply to the Office action of November 16, 2004, it is respectfully requested that the following request for reconsideration be entered and considered by the Examiner:

REQUEST FOR RECONSIDERATION

Claims 1 and 2 as presented by applicants in their reply dated August 20, 2004, are currently pending in this application.

The Examiner reiterated the position that the subject matter of applicants' claims is unpatentable under 35 U.S.C. §103(a) in light of the teaching in **GB 1,226,318** giving reasons why applicants' previous arguments were not deemed to be convincing.

The Examiner rejected applicants' argument that **GB 1,226,318** failed to motivate a person of ordinary skill in the art to do what applicants' have done because of applicants' acknowledgement that it is desirable to reduce the amount of unwanted by-products. It is respectfully urged that a desirable result alone is not sufficient to motivate a person of ordinary skill in the art to modify any specific